

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The scope statement for this rule, SS 067-16, was published in Register No. 728A1, on August 1, 2016, and approved by State Superintendent Tony Evers on August 15, 2016. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 2016 WI 38.

The State Superintendent of Public Instruction hereby creates chapter PI 29, relating to robotics competition grants.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.45, Stats.

Statutory authority: s. 227.11 (2) (a) (intro.), Stats.

Explanation of agency authority:

Under s. 227.11 (2) (a) (intro.), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." As such, a rule is required to effectively implement and administer the payment of grants for participation in robotics competitions under s. 115.45, Stats.

Related statute or rule: N/A

Plain language analysis:

The emergency rule will create a new rule chapter, PI 29, to implement the robotics competition grants for the 2016-17 school year. The rule will also provide clarification to ensure that the Department's implementation of the program meets legislative intent.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states: N/A

Summary of factual data and analytical methodologies:

The proposed rule is needed to implement the payment of grants for participation in robotics competitions that was created by 2015 Wisconsin Act 280. Unless a rule is in place, the Department may be prevented from efficiently implementing and administering this program and grant applicants may not have clear guidance on criteria for grant eligibility.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Agency contact person: (including email and telephone)

Carl Bryan

Budget and Policy Analyst

Wisconsin Department of Public Instruction

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Place where comments are to be submitted and deadline for submission:

Comments should be submitted to Carl Bryan using the contact information above. The Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

SECTION 1. PI 29 is created to read:

PI 29.01 Purpose. This chapter establishes the procedures and criteria for awarding grants under s. 115.45, Stats.

PI 29.02 Definitions. In this chapter:

- (a) “Allowable expense” has the meaning given in s. 115.45 (1) (a), Stats.
- (b) “Charter school” has the meaning given in s. 115.001 (1), Stats.
- (c) “Department” means the Wisconsin department of public instruction.
- (d) “Eligible team” has the meaning given in s. 115.45 (1) (b), Stats.
- (e) “Home-based private educational program” has the meaning given in s. 115.001 (3g), Stats.
- (f) “Private school” has the meaning given in s. 115.001 (3r), Stats.
- (g) “Recipient” means an eligible team whose application was approved by the department under s. PI 29.03 (1) (b).
- (h) “Robotics competition” has the meaning given in s. 115.45 (1) (c), Stats.
- (i) “School district” has the meaning given in s. 115.01 (3), Stats.

PI 29.03 Applications. An eligible team affiliated with a charter school, home-based private educational program, private school, or school district may apply for a grant to participate in a robotics competition by submitting an application on a form provided by the department. Applications must be received by the department by 11:59 p.m. on October 14, 2016.

PI 29.03 Awards.

(1) Application approval.

- (a) The department shall review the applications submitted under s. PI 29.03 to determine which applications are eligible for a grant under this chapter. The department shall approve an application if it is complete and meets all of the requirements of this chapter and s. 115.45, Stats.
- (b) The department shall determine how much to award each application approved under par. (a). All grants made under this chapter are contingent upon the availability of funds under s. 20.255 (2) (dr), Stats. If the applications approved under par. (a) request more funds than there are available under s. 20.255 (2) (dr), Stats., the department shall prorate the amount it awards to each applicant.

(2) NOTIFICATIONS. The department shall notify each applicant of its determinations under sub. (1).

(3) GRANT REPORTING. A recipient shall do all of the following:

- (a) Maintain a record, on a form provided by the department, and supporting documentation for all allowable expenses the recipient incurs.
- (b) Maintain a record, on a form provided by the department, and supporting documentation for all matching funds provided by the recipient.
- (c) Within 30 days after the recipient completes the robotics competition, submit the documentation required under pars. (a) and (b) to the department.

(4) DISTRIBUTING AWARDS. The department shall distribute the amount awarded to each recipient under sub. (1) minus any amounts disallowed by the department. The department shall disallow all of the following:

- (a) Any amounts unsupported by the documentation required under sub. (3).
- (b) Any amounts for which the recipient did not provide matching funds at a rate of not less than 1:1.

SECTION 2. STATEMENT OF EMERGENCY:

FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

2015 Wisconsin Act 280 created s. 115.45, Stats., to provide grants for participation in robotics competitions. The effective date of the Act is March 27, 2016, and it is in effect for the 2016-17 school year. An emergency rule is necessary in order for the Department to administer the program in the 2016-17 school year.

SECTION 15. EFFECTIVE DATE:

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.